

2SHB 2212 - S COMM AMD

By Committee on Early Learning, K-12 & Higher Education

ADOPTED AS AMENDED 04/14/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.415
4 RCW to read as follows:

5 (1) All credits earned in furtherance of degrees earned by
6 certificated staff, that are used to increase earnings on the salary
7 schedule consistent with RCW 28A.415.023, must be obtained from an
8 educational institution accredited by an accrediting association
9 recognized by rule of the state board of education.

10 (2) The office of the superintendent of public instruction shall
11 verify for school districts the accreditation status of educational
12 institutions granting degrees that are used by certificated staff to
13 increase earnings on the salary schedule consistent with RCW
14 28A.415.023.

15 (3) The office of the superintendent of public instruction shall
16 provide school districts with training and additional resources to
17 ensure they can verify that degrees earned by certificated staff, that
18 are used to increase earnings on the salary schedule consistent with
19 RCW 28A.415.023, are obtained from an educational institution
20 accredited by an accrediting association recognized by rule of the
21 state board of education.

22 (4)(a) No school district may submit degree information before
23 there has been verification of accreditation under subsection (3) of
24 this section.

25 (b) Certificated staff who submit degrees received from an
26 unaccredited educational institution for the purposes of receiving a
27 salary increase shall be fined three hundred dollars. The fine shall
28 be paid to the office of the superintendent of public instruction and
29 used for costs of administering this section.

1 (c) In addition to the fine in (b) of this subsection, certificated
2 staff who receive salary increases based upon degrees earned from
3 educational institutions that have been verified to be unaccredited
4 must reimburse the district for any compensation received based on
5 these degrees.

6 **Sec. 2.** RCW 28A.410.090 and 2004 c 134 s 2 are each amended to
7 read as follows:

8 (1) Any certificate or permit authorized under the provisions of
9 this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may
10 be revoked or suspended by the authority authorized to grant the same
11 based upon a criminal records report authorized by law, or upon the
12 complaint of any school district superintendent, educational service
13 district superintendent, or private school administrator for
14 immorality, violation of written contract, unprofessional conduct,
15 intemperance, or crime against the law of the state.

16 If the superintendent of public instruction has reasonable cause to
17 believe that an alleged violation of this chapter or rules adopted
18 under it has occurred based on a written complaint alleging physical
19 abuse or sexual misconduct by a certificated school employee filed by
20 a parent or another person, but no complaint has been forwarded to the
21 superintendent by a school district superintendent, educational service
22 district superintendent, or private school administrator, and that a
23 school district superintendent, educational service district
24 superintendent, or private school administrator has sufficient notice
25 of the alleged violation and opportunity to file a complaint, the
26 superintendent of public instruction may cause an investigation to be
27 made of the alleged violation, together with such other matters that
28 may be disclosed in the course of the investigation related to
29 certificated personnel.

30 (2) A parent or another person may file a written complaint with
31 the superintendent of public instruction alleging physical abuse or
32 sexual misconduct by a certificated school employee if:

33 (a) The parent or other person has already filed a written
34 complaint with the educational service district superintendent
35 concerning that employee;

36 (b) The educational service district superintendent has not caused

1 an investigation of the allegations and has not forwarded the complaint
2 to the superintendent of public instruction for investigation; and

3 (c) The written complaint states the grounds and factual basis upon
4 which the parent or other person believes an investigation should be
5 conducted.

6 (3) Any such certificate or permit authorized under this chapter or
7 chapter 28A.405 RCW shall be revoked by the authority authorized to
8 grant the certificate upon a guilty plea or the conviction of any
9 felony crime involving the physical neglect of a child under chapter
10 9A.42 RCW, the physical injury or death of a child under chapter 9A.32
11 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61
12 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual
13 offenses under chapter 9A.44 RCW where a minor is the victim, promoting
14 prostitution of a minor under chapter 9A.88 RCW, the sale or purchase
15 of a minor child under RCW 9A.64.030, or violation of similar laws of
16 another jurisdiction. The person whose certificate is in question
17 shall be given an opportunity to be heard. Mandatory permanent
18 revocation upon a guilty plea or the conviction of felony crimes
19 specified under this subsection shall apply to such convictions or
20 guilty pleas which occur after July 23, 1989. Revocation of any
21 certificate or permit authorized under this chapter or chapter 28A.405
22 RCW for a guilty plea or criminal conviction occurring prior to July
23 23, 1989, shall be subject to the provisions of subsection (1) of this
24 section.

25 (4)(a) Any such certificate or permit authorized under this chapter
26 or chapter 28A.405 RCW shall be suspended or revoked, according to the
27 provisions of this subsection, by the authority authorized to grant the
28 certificate upon a finding that an employee has engaged in an
29 unauthorized use of school equipment to intentionally access material
30 depicting sexually explicit conduct or has intentionally possessed on
31 school grounds any material depicting sexually explicit conduct; except
32 for material used in conjunction with established curriculum. A first
33 time violation of this subsection shall result in either suspension or
34 revocation of the employee's certificate or permit as determined by the
35 office of the superintendent of public instruction. A second violation
36 shall result in a mandatory revocation of the certificate or permit.

37 (b) In all cases under this subsection (4), the person whose
38 certificate is in question shall be given an opportunity to be heard

1 and has the right to appeal as established in RCW 28A.410.100.
2 Certificates or permits shall be suspended or revoked under this
3 subsection only if findings are made on or after the effective date of
4 this section. For the purposes of this subsection, "sexually explicit
5 conduct" has the same definition as provided in RCW 9.68A.011."

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6 On page 1, line 1 of the title, after "certification;" strike the
7 remainder of the title and insert "amending RCW 28A.410.090; and adding
8 a new section to chapter 28A.415 RCW."

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